

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MISTY HAYES,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

NO: 13-CV-0358-TOR

ORDER REMANDING CASE

BEFORE THE COURT is the parties' Stipulated Motion to Remand (ECF No. 18). Based on the parties' stipulation, this case is remanded to the Commissioner of Social Security for a de novo hearing pursuant to sentence four of 42 U.S.C. § 405(g).

ACCORDINGLY, IT IS HEREBY ORDERED:

1. The parties' Stipulated Motion to Remand (ECF No. 18) is **GRANTED**.

The Commissioner's decision regarding Plaintiff's application for disability insurance benefits under Title II of the Social Security Act is **REVERSED**


1 and **REMANDED** to the Commissioner of Social Security for a de novo
2 hearing pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the
3 ALJ shall update the record, hold a *de novo* hearing, and issue a new
4 decision.

- 5 2. The Appeals Council will instruct the ALJ to reevaluate the opinion of
6 Sylvia Rojas, M.D., and in doing so, consider the new evidence submitted to
7 the Appeals Council. The Appeals Council will also instruct the ALJ to
8 evaluate the medical opinion evidence; reassess Plaintiff's residual
9 functional capacity; further evaluate whether Plaintiff could perform the
10 physical and mental demands of her past relevant work; and, if necessary,
11 obtain supplemental evidence from a vocational expert.
- 12 3. Plaintiff will be entitled to reasonable attorney's fees and costs pursuant to
13 28 U.S.C. § 2412(d), upon proper request to this Court.
- 14 4. All pending motions are **DENIED** as moot.

15 The District Court Executive is hereby directed to enter this Order, provide
16 copies to counsel, enter judgment for Plaintiff, and **CLOSE** the file.

17 **DATED** May 28, 2013.




THOMAS O. RICE
United States District Judge